IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2574 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

INDUBEN JAYANTIBHAI MODI

Versus

UNION OF INDIA

Appearance:

MR SA DESAI for Petitioner

MS PAURAMI SHETH FOR MR AKSHAY H MEHTA

Sr. Standing Central Govt. Standing Counsel

for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/04/2001

ORAL JUDGEMENT

Rule. Ms. Paurami Sheth for A.H. Mehta, Sr. Central Govt. Standing Counsel appears on behalf of the respondent and she waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent authority to correct the date of birth of the petitioner from 5-2-1939 to 29-1-1939, in the passport No.T 551474

3. The petitioner has already moved an application dated 12-4-2001 before the authority concerned for correction of the birth date 5-2-1939 to 29-1-1939, in the passport No.T 551474. It is submitted that wrong birth date of the petitioner was mentioned in the passport on the basis of educational certificate. Now the petitioner has received birth certificate from the authority concerned. But the respondent authority has not entertained the application 12-4-2001 of the petitioner as it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of Law in this respect. The learned counsel for the petitioner submitted that wrong date of birth of the petitioner as 5-2-1939 has been mentioned in the passport on the basis of educational certificate. The petitioner has produced birth date certificate issued by the authority concerned.

4. In the facts and circumstances of this case, this application is being disposed of by directing the authority concerned to entertain, consider and decide the application filed by the petitioner in accordance with law and make correction with regard to the date of birth of the petitioner from 5-2-1939 to 29-1-1939, in the passport No.T 551474, if he is satisfied from of the material produced by the petitioner that correct date of birth is not mentioned in the passport then and issue passport with correct date of birth of the petitioner as aforesaid, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is discharged. D.S. is permitted.

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/JVSatwara/